

EVANGELO ARVANETES  
Assistant Federal Defender  
Federal Defenders of Montana  
Great Falls Office  
104 2<sup>nd</sup> Street South, Suite 301  
Great Falls, Montana 59401  
vann\_arvanetes@fd.org  
Phone: (406) 727-5328  
Fax: (406) 727-4329  
Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAYCOB TYLER KUTZERA,

Defendant.

**Case No. CR-17-48-GF-BMM**

**UNOPPOSED MOTION FOR  
POSTPONEMENT OF TRIAL  
AND EXTENSION OF ALL  
DEADLINES<sup>1</sup>**

COMES NOW, Defendant Jaycob Tyler Kutzera, by and through his Counsel Evangelo Arvanetes, Assistant Federal Defender, and the Federal Defenders of Montana, and respectfully moves for this Court pursuant to the criteria set forth in *Armant v. Marquez*, 772 F.2d 552 (9<sup>th</sup> Cir. 1985), to order a continuance of the Jury

---

<sup>1</sup>Pursuant to local rule, Assistant United States Attorney Cyndee L. Peterson has been contacted, and she does not object to the extent of this trial continuance.

Trial, currently set for December 4, 2017, and extend all other deadlines.

Due to the nature of this case – a 36 count indictment for Sexual Exploitation of a Child – , the need for additional offsite review of discovery, and the possibility of an expert witness, Mr. Kutzera requests a trial continuance for at least 80 days from the current trial setting of December 4, 2017.<sup>2</sup>

Mr. Kutzera requests this continuance to ensure the ends of justice are met and the attorney is fully prepared and effective in defending Mr. Kutzera.

In sum, based upon the additional time needed to prepare for trial, Mr. Kutzera requests a trial continuance of at least 80 days from the current trial setting of December 4, 2017.

This Motion is made and based upon the Due Process Clause of the Fifth Amendment to the United States Constitution, the Fair Trial Provisions of the Sixth Amendment to the United States Constitution, the Speedy Trial Act of 1974 (18 U.S.C. § 3161 et. seq.) and the Memorandum in Support of Motion for Postponement of Trial and Extension of All Deadlines.

---

<sup>2</sup>The undersigned respectfully requests that the Kutzera trial not be set during the week of February 5, 2018, due to the *United States v. Jay Nash*, Case No. CR-17-55-GF-BMM, fraud trial which will take at least four (4) days to complete.

WHEREFORE, Mr. Kutzera requests additional time to prepare for jury trial in the present matter and asks for a trial setting at least 80 days from the current trial setting but not during the same week as the trial scheduled in *United States v. Jay Nash*, Case No. CR-17-55-GF-BMM.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of October, 2017.

/s/ Evangelo Arvanetes

**CERTIFICATE OF SERVICE**  
**L.R. 5.2(b)**

I hereby certify that on October 30, 2017, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF  
       Hand Delivery  
  3   Mail  
       Overnight Delivery Service  
       Fax  
       E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. CYNDEE L. PETERSON  
Assistant United States Attorney  
United States Attorney's Office  
Counsel for the United States of America
3. JAYCOB TYLER KUTZERA  
Defendant

/s/ Evangelo Arvanetes